

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:14CR86-2
(Judge Keeley)

AMANDA ISOLDE EISEMAN,

Defendant.

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S
OPINION/REPORT RECOMMENDATION CONCERNING PLEA OF
GUILTY IN FELONY CASE AND SCHEDULING SENTENCING HEARING**

On January 5, 2015, the defendant, Amanda Isolde Eiseman, ("Eiseman") appeared before United States Magistrate Judge John S. Kaull and moved this Court for permission to enter a plea of GUILTY to Count Twenty of the Indictment. Eiseman stated that she understood that the magistrate judge is not a United States District Judge, and consented to pleading before the magistrate judge. This Court had referred the guilty plea to the magistrate judge for the purposes of administering the allocution pursuant to Federal Rule of Criminal Procedure 11, making a finding as to whether the plea was knowingly and voluntarily entered, and recommending to this Court whether the plea should be accepted.

Based upon the government's proffer establishing an independent factual basis for the plea, the magistrate judge found that Eiseman was competent to enter a plea, that the plea was freely and voluntarily given, that she was aware of the nature of

USA v. AMANDA ISOLDE EISEMAN

1:14CR86-2

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S
OPINION/REPORT RECOMMENDATION CONCERNING PLEA OF
GUILTY IN FELONY CASE AND SCHEDULING SENTENCING HEARING**

the charges against her and the consequences of her plea, and that a factual basis existed for the tendered plea. On January 5, the magistrate judge entered an Opinion/Report and Recommendation Concerning Plea of Guilty in Felony Case ("R&R") (dkt. no. 76) finding a factual basis for the plea and recommended that this Court accept the plea of guilty to Count Twenty of the Indictment.

The magistrate judge also directed the parties to file any written objections to the R&R within fourteen (14) days after service of the R&R. The magistrate judge further directed that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based on the report and recommendation. On January 9, 2015, the government by Assistant United States Attorney Shawn A. Morgan ("Morgan") responded to the R&R stating the government had no objection (dkt. no. 83). Eiseman did not file any objections.

Accordingly, this Court **AFFIRMS** the magistrate judge's R&R, **ACCEPTS** Eiseman's plea, and **ADJUGES** her **GUILTY** of the crime charged in Count Twenty of the Indictment.

Pursuant to Fed. R. Crim. P. 11(e)(2) and U.S.S.G. § 6B1.1(c), acceptance of the proposed plea agreement and stipulated addendum

USA v. AMANDA ISOLDE EISEMAN

1:14CR86-2

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OPINION/REPORT RECOMMENDATION CONCERNING PLEA OF
GUILTY IN FELONY CASE AND SCHEDULING SENTENCING HEARING**

to the plea agreement, is **DEFERRED** until the Court has received and reviewed the presentence report prepared in this matter.

Pursuant to U.S.S.G. § 6A1 et seq., it is hereby **ORDERED** that:

1. The Probation Officer undertake a presentence investigation of **AMANDA ISOLDE EISEMAN**, and prepare a presentence report for the Court;

2. The Government and Eiseman are to provide their versions of the offense to the probation officer by **February 2, 2015**;

3. The presentence report is to be disclosed to Eiseman, defense counsel, and the United States on or before **March 20, 2015**; however, the Probation Officer is not to disclose the sentencing recommendations made pursuant to Fed. R. Crim. P. 32(e)(3);

4. Counsel may file written objections to the presentence report on or before **April 3, 2015**;

5. The Office of Probation shall submit the presentence report with addendum to the Court on or before **April 17, 2015**; and

6. Counsel may file any written sentencing statements and motions for departure from the Sentencing Guidelines, including the factual basis from the statements or motions, on or before **May 1, 2015**.

USA v. AMANDA ISOLDE EISEMAN

1:14CR86-2

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S
OPINION/REPORT RECOMMENDATION CONCERNING PLEA OF
GUILTY IN FELONY CASE AND SCHEDULING SENTENCING HEARING**

Magistrate Judge Kaul1 remanded Eiseman to the custody of the United States Marshals.

The Court will conduct the sentencing hearing for the defendant on **Tuesday, May 19, 2015** at **12:15 P.M.** at the **Clarksburg, West Virginia** point of holding court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record, the defendant and all appropriate agencies.

DATED: January 26, 2015

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE